

TINA Waivers

New Law and Reducing Cost Data



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New Law for TINA Waivers



Section 817, FY 2003 National Defense Authorization Act

- **HCA may grant a waiver if:**
 - *Property or services cannot reasonably be obtained without grant of a waiver (new criterion), and*
 - *The price can be determined to be fair and reasonable without the submission of certified cost or pricing data (the old criterion in FAR 15-403-1(c)(4)), and*
 - *There are demonstrated benefits to granting the waiver (new criterion).*
- **Imposes an annual Congressional reporting requirement on all TINA waivers over \$15M including an identification of the steps to insure price reasonableness**

Reducing Unnecessary Cost Data Requirements Still Possible



- *Use the flexibility in FAR 15-408 to specify a format for cost data submission other than Table 15-2.*
- *Use parametric estimating systems and agreed upon cost models.*
- *Recognize price competitions on FMS sales.*
- *Eliminate voluminous cost data requirements for competitions - use internal government estimate as a reasonableness check for source selection comparisons.*

• *TINA waiver for part of the proposal*